

REMARKS:

This communication is in response to the detailed office action dated December 10, 2004, wherein claims 1-5 were pending. The Examiner objected to claims 2 and 3 as being dependent from a rejected base claims. The Examiner also rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Yamamuro *et al.* in view of Kosuge *et al.* and Weiman, claim 4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, and claim 5 under 35 U.S.C. §103(a) as being unpatentable over Yamamuro *et al.* in view of Kosuge *et al.*, Weimann, and Mori.

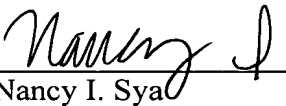

The Examiner stated that claim 2 is considered to contain allowable subject matter in the recitation of the second side flanges and side body connecting flanges. Claim 1 is currently amended to include the subject matter of claim 2, and claim 2 is currently cancelled. Therefore, the Applicant believes that claim 1 is now in allowable form. Claims 3 and 5, depending from currently amended claim 1, should also be in allowable form.

The Examiner rejected claim 4 under 35 U.S.C. §112, paragraph 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant respectfully traverses the rejection. The Examiner particularly states that “the cross member bracket is within the cross member and thus cannot connect to an outer lateral side.” However, as depicted in Figure 3 and described in paragraph [0018] of the Specification, the cross member bracket (reference number 23) is located at the end of the rear floor cross member (reference number 4). The third coupling side (reference number 23c) of the cross member bracket to the outer lateral side of the rear floor side member (reference number 3), and *not* to the outer lateral side of the rear floor cross member itself. Since Figure 3 and paragraph [0018] of the Specification describe the manner in which the cross member bracket connects to the outer lateral side of the rear floor side member, the Applicant respectfully requests the Examiner to withdraw the rejection and allow claim 4.

The Applicant submits that the claims are in a condition for allowance and accordingly seeks allowance of this matter. Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned at 415-442-1106 in order to expedite allowance of this case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0166).

Respectfully submitted,

Date March 10, 2005

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